

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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CHARLES ADRIAN FORD,

V.

Petitioner.

Case No. 2:17-cv-00112-RFB-VCF

JERRY HOWELL,

Respondents.

ORDER

This habeas matter is before the Court on Petitioner Charles Adrian Ford's Motion to Continue Stay (ECF No. 53) and Motion to Reopen (ECF No. 55). Respondents do not oppose Ford's Motion to Reopen. ECF No. 56.

Background

In November 2019, the Court granted Ford's motion to stay case pending exhaustion of his actual innocence argument in state court. ECF No. 33. Ford filed his claims in state court and the state court set an evidentiary hearing. Ford, however, withdrew his state habeas petition prior to the evidentiary hearing based on the potential risks he faced if he was successful on the merits of the state habeas petition. Ford submitted a declaration in state court voluntarily dismissing his state habeas petition and acknowledging that he understands that he will not be able to return to state or federal court in the future to present further claims related to the underlying criminal case. ECF No. 55-1.

When Ford voluntarily dismissed his state habeas petition, he was no longer in custody because he was granted parole. Counsel for Ford has been unable to locate Ford despite using an investigator to locate him and has been attempting to locate him since February 2024. Counsel for Ford further represents that she believes Ford intended to dismiss both his state and federal petitions.

Discussion

The Court denies Ford's motion to continue the stay as moot. The Court grants Ford's motion to reopen. Based on counsel's representations and Ford's declaration voluntarily dismissing his state habeas petition, the Court, however, will not set a briefing schedule. Within 60 days of entry of this order, counsel for Ford must file a status report indicating whether Ford has been located and if he is located, whether he dismisses his federal habeas petition. If Ford is unable to be located, the Court will consider dismissing this action for lack of prosecution.

Conclusion

IT IS THEREFORE ORDERED:

1. Petitioner Charles Adrian Ford's Motion to Continue Stay (ECF No. 53) is denied as moot.
2. Petitioner Charles Adrian Ford's Motion to Reopen (ECF No. 55) is granted.
3. Within 60 days of entry of this order, counsel for Ford must file a status report indicating whether Ford has been located and if he is located, whether he requests voluntary dismissal of his federal habeas petition.

DATED: March 25, 2025.

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**